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SUBJECT: HUMAN RIGHTS REPORT AS REQUIRED BY PL-94-329

REF: (A) STATE 38407, (B) RABAT 1156

1. AS NOTED IN REFTEL A, DEPARTMENT IS REQUIRED TO SUBMIT
REPORTS ON HUMAN RIGHTS OBSERVANCE AS PART OF THE ANNUAL
SECURITY ASSISTANCE PRESENTATION TO CONGRESS (SECTION 502B
OF FOREIGN ASSISTANCE ACT OF 1961 AS AMENDED). THE REPORT
QUOTED BELOW WAS PREPARED IN ACCORDANCE WITH THIS REQUIRE-
MENT AND TOOK INTO ACCOUNT RECENT DEVELOPMENTS NOTED REFTEL
B. REFTEL A CONTAINED INSTRUCTIONS FOR INFORMING HOST
COUNTRY OF CONTENTS OF REPORT.

2. BEGIN TEXT OF HUMAN RIGHTS REPORT ON MOROCCO:

I. POLITICAL SITUATION

MOROCCO IS A CONSTITUTIONAL MONARCHY. THE FIRST ELECTIONS
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UNDER THE 1972 CONSTITUTION WERE HELD NOVEMBER 12, 1976,
WHEN RURAL AND MUNICIPAL COUNCILS WERE ELECTED THROUGHOUT
THE KINGDOM AND INDIRECT ELECTIONS FOR PROVINCIAL ASSEMBLIES
TOOK PLACE JANUARY 25, 1977. A PARLIAMENT IS DUE TO BE
ELECTED AND SEATED BY APRIL 1977 BUT, PENDING THOSE ELEC-
TIONS, THE KING ADHERES TO THE HISTORICAL TRADITION OF
MOROCCAN SULTANS AND RULES BY FIAT.ELECTIONS HAD BEEN PROMISED

EARLIER BUT WERE DELAYED DUE FIRST TO A SERIES OF INTERNAL SECURITY PROBLEMS AND THEN TO THE SAHARA CRISIS. THE COUNTRY'S SURPRISINGLY DIVERSE AND ACTIVE OPPOSITION PARTIES PARTICIPATED IN THE ELECTION CAMPAIGN, THE CHIEFS OF THE MAJOR PARTIES SAT ON AN ELECTORAL COUNCIL CHAIRED BY THE PRIME MINISTER TO SUPERVISE THE CONDUCT OF THE ELECTIONS, AND FOUR PRINCIPAL LEADERS OF OPPOSITION PARTIES WERE APPOINTED MINISTERS-WITHOUT-PORTFOLIO IN MARCH 1977.

THE SAHARA CRISIS AND THE NOVEMBER 1975 "GREEN MARCH" INTO THE SAHARA GENERATED A WAVE OF NATIONAL UNITY IN SUPPORT OF THE THRONE AND PRESENT GOVERNMENT. OPPOSITION PARTIES, INCLUDING THE COMMUNIST PARTY, HAVE BACKED THE KING'S SAHARA POLICY STRONGLY. THE OPPOSITION OPERATES A VARIED AND ACTIVE PRESS WHICH FREQUENTLY CRITICIZES OFFICIAL PROGRAMS AND POLICIES. LABOR UNIONS AND STUDENT ORGANIZATIONS, WHICH OCCASIONALLY EXERCISE THEIR RIGHT TO STRIKE, ARE ALSO FOUND IN MOROCCO.

II. LEGAL SITUATION

THE 1972 CONSTITUTION ESTABLISHES A CHAMBER OF REPRESENTATIVES, AN ELECTED BODY TO SHARE JOINT RESPONSIBILITY WITH THE KING AND THE EXECUTIVE BRANCH OF GOVERNMENT FOR THE FORMULATION OF LAW. THE CONSTITUTION RESERVES TO THE KING, AS HEAD OF STATE AND RELIGION, THE FOLLOWING POWERS AND PREROGATIVES: PROMULGATION OF LAW, DISSOLUTION OF THE CHAMBER OF REPRESENTATIVES, CALLING ELECTIONS AND/OR LIMITED OFFICIAL USE

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REFERENDUMS, AND THE APPOINTMENT OF THE CABINET. ROYAL CONTROL OF PARLIAMENT HAS SOME LIMITATIONS HOWEVER. FOR EXAMPLE, IF THE KING DISSOLVES THE PARLIAMENT HE MUST CALL FOR NEW ELECTIONS WITHIN THREE MONTHS AND THE NEW PARLIAMENT CANNOT BE DISSOLVED FOR A YEAR AFTER ITS ELECTION. MOROCCO HAS LONG HAD AN INDEPENDENT JUDICIARY.

III. OBSERVANCE OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS

A. INTEGRITY OF THE PERSON

ARTICLE 3: THE RIGHT TO LIFE, LIBERTY AND THE SECURITY OF PERSON IS SANCTIFIED BY LAW AND HAS BEEN RESPECTED IN MODERN-DAY MOROCCO WITH A FEW EXCEPTIONS. FOLLOWING ATTEMPTS TO OVERTHROW THE KING IN 1971 AND 1972 AND OTHER CIVIL DISTURBANCES IN 1973, A LARGE NUMBER OF SUSPECTS WERE ARRESTED; IN 1971 SOME PERSONS CONSIDERED CULPABLE WERE SUBSEQUENTLY EXECUTED, REPORTEDLY WITHOUT BENEFIT OF COURT TRIAL. THE GOVERNMENT PERMITTED A SERIES OF TRIALS IN 1976 WHICH CLEARED THE DOCKETS OF MANY PERSONS PREVIOUSLY HELD FOR POLITICAL OFFENCES. MOST OTHER POLITICAL

OFFENDERS WERE DEALT WITH IN THE TRIAL OF 178 "MARXIST-LENINISTS" HELD IN CASABLANCA IN FEBRUARY 1977 AND SEVERAL SMALLER ONGOING TRIALS OF ACTIVISTS BELONGING TO THE OPPOSITION SOCIALIST UNION OF POPULAR FORCES. MANY OF THOSE TRIED HAD NOT BEEN UNDER DETENTION BUT HAD BEEN RELEASED PENDING TRIAL. THE FRENCH PRESS QUOTED A REPRESENTATIVE OF AMNESTY INTERNATIONAL WHO ATTENDED THE 1976 TRIALS (LE MONDE AUGUST 4, 1976) AS EXPRESSING HIS SATISFACTION THAT THEY HAD BEEN CONDUCTED FAIRLY.

ARTICLE 5: PRISONERS, PARTICULARLY THOSE ACCUSED OF PARTICIPATING IN THE COUP ATTEMPTS, HAVE ALLEGED IN PUBLIC TRIALS THAT THEY WERE TORTURED AS AN INTERROGATION TECHNIQUE. OTHER REPORTS STATE THAT TORTURE WAS COMMONLY USED IN THE EARLIER STAGES OF DETENTION. WHILE IT IS PROBABLE THAT TORTURE IS USED, THERE IS NO DIRECT INDICATED LIMITED OFFICIAL USE

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TION OF THE FREQUENCY WITH WHICH IT IS USED.

ARTICLE 8: MOROCCANS CAN APPLY TO THE COURTS FOR REDRESS IF THEIR RIGHTS ARE VIOLATED. THE COURTS COULD NOT EFFECTIVELY REMEDY THE VIOLATIONS WHICH APPARENTLY OCCURRED DURING THE SUPPRESSION OF THE ATTEMPTED COUPS, HOWEVER.

ARTICLE 9: CHARGES WERE MADE BY PRISONERS, ESPECIALLY THOSE ACCUSED OF TAKING PART IN THE COUP ATTEMPTS, THAT THEY WERE ARRESTED ARBITRARILY. ALSO, NUMEROUS PERSONS REPORTEDLY WERE DETAINED WITHOUT ARRAIGNMENT OR TRIAL. IT IS DIFFICULT TO BE PRECISE IN MATTERS OF THIS SORT BUT, BASED ON INFORMATION AVAILABLE TO THE U.S. EMBASSY IN RABAT, IT APPEARS THAT THIS PRACTICE HAS ABATED IN RECENT YEARS. THE GOVERNMENT APPARENTLY DOES NOT RESORT TO EXILE AS A PUNISHMENT BUT SOME POLITICAL DISSIDENTS ARE IN SELF-IMPOSED EXILE.

ARTICLE 10: ARRESTED PERSONS ARE GENERALLY TREATED ACCORDING TO DUE PROCESS OF LAW, WHICH PROVIDES FOR ARRAIGNMENT TO DETERMINE CHARGES AND RIGHTS, ALTHOUGH SOME PERSONS REPORTEDLY WERE DENIED DUE PROCESS WHEN ARRESTED IN CONNECTION WITH THE 1971-72 COUP ATTEMPTS.

ARTICLE 11: SOME PRISONERS ARRESTED FOR PARTICIPATION IN THE COUP ATTEMPTS CLAIM THEY WERE DENIED FAIR TRIALS. WITHOUT GETTING INTO A DEFINITION OF WHAT CONSTITUTES A "FAIR" TRIAL, IT DOES SEEM LIKELY THAT SOME COUP PRISONERS, PARTICULARLY THOSE WHO WERE CAUGHT IN THE ACT, WERE GENERALLY REGARDED AS GUILTY PRIOR TO THEIR TRIAL AND THEIR VERDICTS, BUT NOT NECESSARILY THEIR SENTENCES, MAY

HAVE BEEN PREDETERMINED. BASED ON THE PAUCITY OF COMPLAINTS

IN CASES NOT INVOLVING THE SECURITY OF THE STATE, IT SEEMS
CLEAR THAT THE MOROCCAN JUDICIAL SYSTEM GENERALLY PROVIDES
WHAT MOROCCAN DEFENDANTS FEEL TO BE "FAIR" TRIALS.
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B. OTHER IMPORTANT FREEDOMS

MOROCCAN SOCIETY IS REMARKABLY TOLERANT TOWARD DIFFERING
OPINIONS AND RELIGIONS. MOROCCO HAS HISTORICALLY SHELTERED
THE LARGEST JEWISH COMMUNITY IN THE ISLAMIC WORLD, AND HIGH-
LEVEL OFFICIALS HAVE RECENTLY STATED PUBLICLY THAT ANY JEW
OF MOROCCAN ORIGIN WHO WISHES TO DO SO MAY RETURN TO
MOROCCO. THE POPULATION IS RACIALLY MIXED BUT PERSONS OF
MINORITY RACIAL ORIGINS ARE NOT DISCRIMINATED AGAINST. THE
STATUS OF WOMEN APPEARS TO VARY WITH THE DEGREE OF EDUCA-
TION OF THEIR FAMILIES. WELL-EDUCATED MOROCCAN WOMEN
TEND TO DRESS AND BEHAVE IN WESTERNIZED FASHION AND
FREQUENTLY COMPETE SUCCESSFULLY WITH MEN IN THE LABOR
MARKET. MOROCCAN WOMEN FROM CONSERVATIVE FAMILIES OFTEN
REMAIN ISOLATED FROM PUBLIC VIEW, ALTHOUGH IN TRADITIONAL
ISLAMIC FASHION THEY FREQUENTLY EXERCISE CONSIDERABLE
INFLUENCE WITHIN THE HOME. NO RESTRICTIONS ARE PLACED ON
MOVEMENT OR ON THE OWNERSHIP OF PROPERTY. THE MOROCCAN
OPPOSITION PRESS OPERATES WITHIN RATHER FLEXIBLE GUIDE-
LINES, ALTHOUGH IT IS STILL SUBJECT TO THE CENSOR; THE RIGHT
OF ASSEMBLY SEEMS TO BE SOMEWHAT MORE CLOSELY CONTROLLED.

IV. OTHER HUMAN RIGHTS REPORTING

AMNESTY INTERNATIONAL'S 1975-76 ANNUAL REPORT EXPRESSED
CONCERN OVER PERSONS UNDER ARREST FOR POLITICAL OFFENSES
IN MOROCCO, AND OVER THE SLOWNESS WITH WHICH THEY WERE
BEING BROUGHT TO TRIAL. IT RECOUNTED THE ORGANIZATION'S
EFFORTS TO OBTAIN A GENERAL AMNESTY. IT ALSO NOTED THAT
ALLEGATIONS OF TORTURE CONTINUED TO BE RECEIVED. AMNESTY'S
1974 REPORT ON TORTURE STATED THAT "THERE IS LITTLE DOUBT
THAT THE USE OF TORTURE HAS REACHED THE LEVEL OF ESTAB-
LISHED PRACTICE IN MOROCCO."

FREEDOM HOUSE PLACES MOROCCO IN THE CATEGORY OF "PARTLY
FREE." END TEXT.

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